



CASE 4-30755B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 24 2003

IN RE APPLICATION OF  
BULLOCK ET AL.

Art Unit: 1617

Examiner: Kim, J.

TECH CENTER 1600/2900

APPLICATION NO: 10/072,516

FILED: FEBRUARY 6, 2002

FOR: ADDITIONAL THERAPEUTIC USE

Assistant Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT

Sir:

In response to the Office Action mailed October 22, 2002, applicants in the above-identified patent application respectfully request the following amendment be entered and the claims considered in light thereof. A three-month extension of time petition is included herewith.

In the Claims:

Please cancel Claims 15-16.

REMARKS

As a result of the election requirement of Group I, Claims 7-14 and 17-24, applicants have cancelled Claims 15 and 16.

The Examiner has rejected Claims 7-12 and 17-23 under 35 U.S.C. 102(a) as being anticipated by Wagner et al. (WO 97/49394).

In order for a rejection under 35 U.S.C. 102(a) to be proper, every limitation in applicants' claims must be identically described by Wagner. Applicants' Claim 7 states that the solid oral dosage form contains more than 30% of microcrystalline cellulose.

In contrast, Wagner does not explicitly teach a valsartan composition comprising more than 30% microcrystalline cellulose. Thus, the rejection under 35 U.S.C. 102(a) is improper.